

App. No.: 10/015,225
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REMARKS

Objections

The specification is amended herein above to shorten the abstract responsive to an objection due to undue length.

Prior art rejections

Claims 1-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,711,691 ("Howard"). Applicant herein amends independent claims 1, 9 and 17 to overcome the rejections. In addition, Applicant herein submits new dependent claims 25, 26 and 26, to even more certainly and particularly point out patentable distinctions of the present invention. Further, Applicant herein amends dependent claims 4, 12 and 20 to even more certainly and particularly point out patentable distinctions of the present invention. Further, Applicant herein submits remarks regarding claims 8, 16 and 24.

Claims 1, 9 and 17

Claims 1, 9 and 17 are herein amended to include limitations of claims 3, 11 and 19, respectively, and also to include further limitations. As to claims 3, 11 and 19 the Office action asserts that Howard discloses deactivating a processor includes selecting a processor for deactivation based on the processor's workload, citing Howard, col. 9, lines 51-60, which states, in relevant part, that "... once in the run multiple state 206, the power management processing 200 may determine that particular processors are not needed due, for example, to blocked processes or light workloads." The cited passage also states that, "In such cases, the power management processing 200 can cause these processors to enter a doze mode ..."

Applicant submits that it is not clear whether reference to "particular processors" in this passage of Howard teaches "selecting a [particular] processor for deactivation based on the [particular] processor's workload," as claimed, or whether it merely teaches that a particular *number* of processors are not needed based on an overall system workload. This is especially the case, given that "In conventional SMP systems, processing activity is generally distributed approximately equally to each of the processors such that, at any given moment, each processor

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is handling about $1/N$ th of the workload where N is the number of processors in the system."

Present application, page 6 , lines 18-21 .

In addition, in order to more clearly distinguish the claimed invention, Applicant herein cancels claim 3 and amends claim 1 to incorporate the limitations thereof claim 3, and also to state that the method includes "distributing the workload asymmetrically to the processors in the system." This feature inherently cooperates with the selecting of a processor for deactivation based on the processor's workload. That is, this feature facilitates the removal of a *least active* processor from the available resource pool during periods of reduced demand. Applicant also cancels claims 11 and 19 and amends claims 9 and 17 in similar fashion.

No new matter is added, since the original application provides support for the amendments. See present application, page 6 , lines 16-24 ("Resource pool module 138 may select the

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